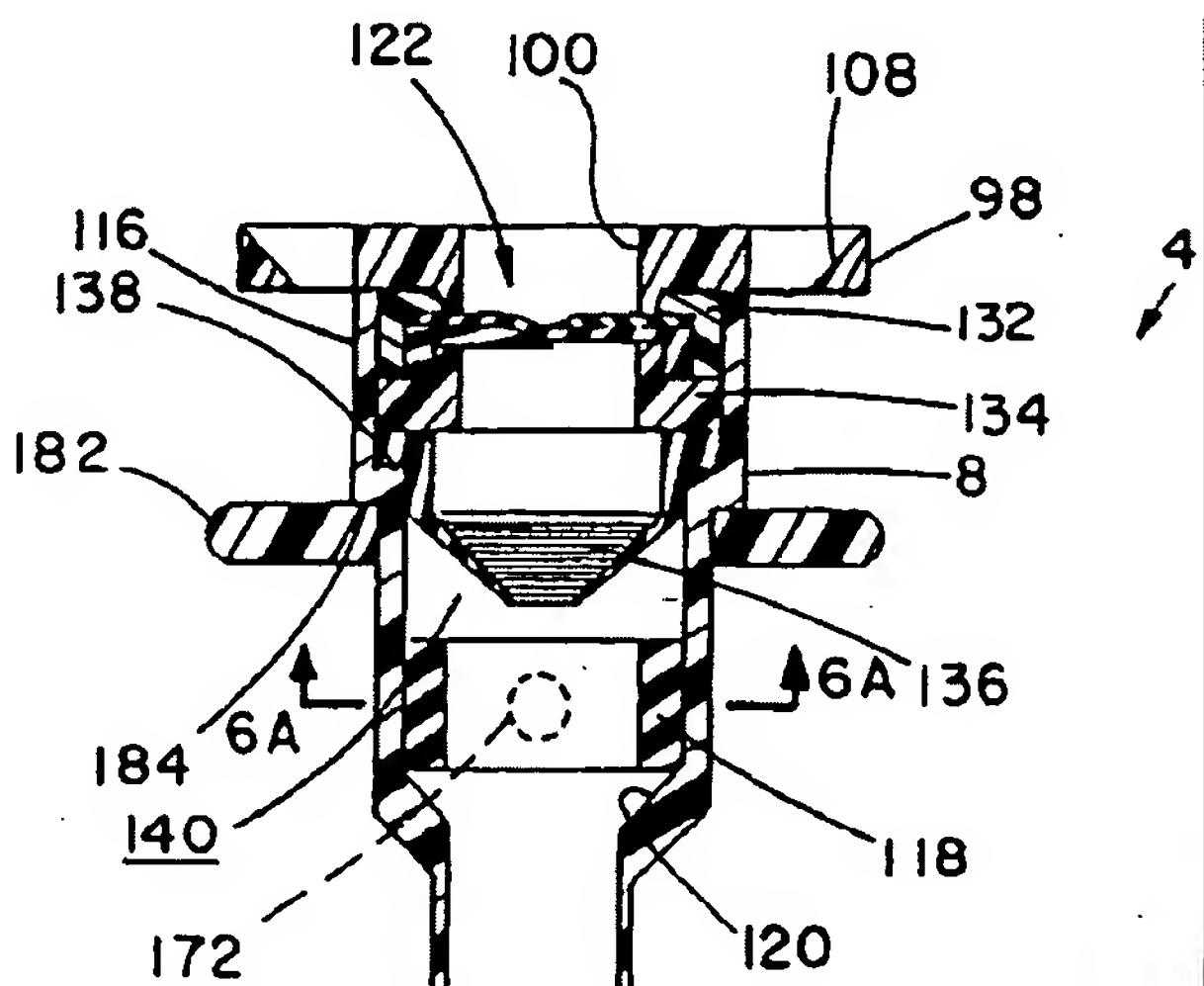


REMARKS

The claims have been amended as indicated above. The amendments are being made to clarify the invention. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The Office Action rejected the pending claims under 35 USC 103 as being obvious over Haber (5,385,552) in view of various other references. Accordingly, all pending rejections are premised on Haber. A portion of Fig. 4 is reproduced below to illustrate the seal structure of Haber:



Haber uses a two seals: a proximal seal (122) and a conical seal (136). The proximal seal (122) is intended to seal the trocar when an object is not positioned in the path (see 6:1-2, 7:39-42, 8:21-22). On the other hand, the conical seal (136) is intended to seal against surgical instruments when they are positioned in the trocar (see 6:34-37, 7:46-48). Accordingly, the conical seal (136) is intended to seal against objects, not the proximal seal (122).

In response to the arguments presented in the last amendment, the Office noted the following in paragraph 6 of the Office Action:

6. The applicant generally argues that Haber does not teach that the seal assembly 122 cooperates to seal against objects positioned within the aperture, and actually teaches the very opposite since the proximal seal 122 is intended to seal the trocar when an object is not positioned in the path. Although this is true, it

is evident in Figure 3A of Haber that when an object (obturator barrel 14) is in the path, the sealing assembly (between rigid rings 132 and 134) engages the object and seals or prevents the movement of fluid in some degree, and therefore the device of Haber reads on the limitation. (emphasis added)

Applicants respectfully disagree that Haber reads on the limitation. Nevertheless, the present amendments should resolve the Office's concern. Indeed, independent claims 1, 9, and 17 now clarify that the seal is sufficient "to maintain gas pressure in the abdominal cavity during endoscopic surgical procedures." Similarly, independent claim 25 now clarifies that the "seal segments cooperate to provide a substantially gas-tight seal." The foregoing amendments make clear that the seal does more than merely prevent the movement of fluid in some degree. Instead, the claimed seals they are now clarified to be at least sufficient to maintain pneumoperitoneum (but not necessarily hermetic).

Based on the foregoing, all of the pending claims are in a condition for allowance. Applicants traverse all rejections and request reconsideration, and Applicants request an early notice of allowability.

Filed: 07-11-2008

Respectfully submitted,

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